

HOUSE JOINT RESOLUTION 667

By Cobb

A RESOLUTION to urge the United States Congress to restore certain protections to the concerns of conscience of certain religiously affiliated entities.

WHEREAS, religious liberty, often called “our first freedom,” is ingrained in the very fabric of our national culture, enshrined in our foundational documents, and codified in numerous local, state, and federal laws; and

WHEREAS, the earliest colonists risked everything to come to America in search of a homeland where they could practice their religions in freedom and peace, without the fear of government persecution; and

WHEREAS, the framers of the Constitution, recognizing religious liberty as an unalienable right, secured its protection in the First Amendment to the Constitution and expressly prohibited Congress from interfering with the free exercise of religion; and

WHEREAS, under federal law since 1973, individuals have not been required to participate in a health service program or a research activity funded in some part by the United States Department of Health and Human Services if such participation is contrary to the individual's religious beliefs or convictions; and

WHEREAS, with the enactment of the Patient Protection and Affordable Care Act, commonly called “Obamacare,” most employers will now be required to purchase health insurance for their employees, and private insurance plans are obligated to cover “essential health benefits” and “preventative services”; and

WHEREAS, under the new law, the Secretary of Health and Human Services is charged with developing the essential health benefits package and providing a list of detailed services that must be included in the health plans; and

WHEREAS, the Department of Health and Human Services issued an interim final rule for comment that would require private health insurance plans to cover, as “preventative services,” surgical sterilization, contraceptives, and some FDA-approved abortion inducing-drugs to employees and students at no cost to the enrollee in a manner that offends the religious sensibilities of the employers and plans; and

WHEREAS, in August 2011, the Department of Health and Human Services issued amendments to the interim final rule, granting a thin veneer of “conscience protection” that is so ridiculously narrow that the vast majority of faith-based organizations, including religiously affiliated hospitals, schools, universities, and service organizations that help millions of Americans every year, will fail to qualify; and

WHEREAS, in January 2012, Secretary Sebellius of Health and Human Services reaffirmed the limited nature of the religious exemption in the interim rule but did grant religious, non-profit organizations until August of 2013, to comply, giving them an extra year to decide whether to obey their God or their government, pay a considerable fine, or simply close their doors and leave those who benefit from their ministries behind; and

WHEREAS, never before has the federal government forced individuals and organizations to purchase a product that violates not only their conscience but also their sincerely held religious beliefs; and

WHEREAS, reminiscent of totalitarian and authoritarian regimes, this administration has decided that its goal of state-run health care should trump millions of Americans’ constitutional right to religious freedom; and

WHEREAS, in addition to undermining the basic tenants of a free society, this rule will impose significant costs on Tennessee and other states if religiously affiliated hospitals, schools, universities, and agencies which provide social services to the poor are no longer able to provide their services to the communities which they serve and Tennessee and other states are required to step in and offer those services; and

WHEREAS, a plethora of affected and interested groups from a host of religious backgrounds have issued statements and filed lawsuits opposing the rule and urging a stronger protection of the consciences of religious employers and health plans; and

WHEREAS, in response to this direct assault on people of faith and the very Constitution itself, members of Congress have introduced the "Respect for Rights of Conscience Act of 2011" in order to undo these overreaching rules and to protect religious consciences; and

WHEREAS, it is appropriate that this body act to encourage the United States Congress to reverse this devastating policy which will violate the consciences of so many Americans; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that this body does strongly urge the United States Congress to reverse this policy which will violate the consciences of so many Americans and to restore needed protections to the concerns of conscience of certain religiously affiliated agencies.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared and transmitted to every member of the Tennessee congressional delegation.